



## WHAT TO DO IF YOU WANT TO FILE SUIT AGAINST YOUR CONTRACTOR

### Lawsuits against contractors: What is L&I's role?

L&I does not handle lawsuits against contractors. These lawsuits are filed in the county Superior Court where the work was done. You may hire an attorney, or do it on your own. Lawsuits are filed, for example, when a job is not completed, or when inferior work is not properly repaired.

If you decide to sue a contractor, L&I is only authorized to serve the Summons & Complaint papers, and to keep records of court decisions provided to the department. L&I cannot give you legal advice or keep track of your court case.

### How do contractor bonds work?

There are no laws regulating contractors' prices or the quality of their service. However, if the business is properly registered with L&I, it will be bonded. This bond is limited. Currently, it is \$12,000 for general contractors and \$6,000 for specialty contractors (contractors who specialize in a particular trade, such as drywall or painting). There is no limit to the amount you can sue for. However, if you are successful, the bonding company can only pay up to this amount.

### Do I need an attorney to file a suit against my contractor?

No. You can file suit yourself, by following the instructions listed below. However, you may wish to consider hiring an attorney to help you, depending on your damages. Some will offer advice for a flat fee. A paralegal also can help you complete the form, but cannot give you legal advice. Paralegals are listed in the telephone directory.

### If you do not have an attorney representing you, these are the steps you take to file suit against a contractor in Washington

- 1.) **Purchase a *Summons & Complaint* form.** These are available in some office supply or stationery stores. Call ahead to make sure they are available. They can be hard to find. Also, call the Superior Court to make sure the form covers all of its specific requirements.
- 2.) **Complete the form as directed.** L&I staff cannot give you legal advice or even help you with the form. You may include any applicable legal fees, court costs or interest costs in the lawsuit. If you wish to collect from the contractor's surety bond, you need to also name the bond company (and include their bond number) as a defendant. Name the contractor's business name, name of the owner(s), business address and contractor registration number. If a bank assignment is on file in lieu of a bond you need to list the bank name and account number in your complaint.
- 3.) **File your form with the Superior Court** in the county where the work was done. The court will charge a filing fee of approximately \$110 and will stamp the form with a cause number.
- 4.) **After receiving your cause number, send three copies of your Summons & Complaint form to L&I,** along with a check for \$20 made out to the Department of Labor & Industries for processing. Send it by certified or registered mail to: Department of Labor & Industries, Contractor Registration, PO Box 44450, Olympia, WA 98504-4450.
- 5.) **Keep a copy of the Summons & Complaint** for your records. Labor & Industries will serve the contractor's business and the bond company with the lawsuit. In addition, L&I will send copies of the transmittal letters to the plaintiff's attorney as proof of service. After this point, L&I does not have any further involvement with the case action, other than as a record keeper. L&I updates records of judgments, dismissals and other court decisions, which are sent to us by interested parties.

6.) Substituted Senate Bill 6409 went into effect on June 13, 2002. Any civil action against a construction professional caused by a defect in the construction or remodel of more than half of a residential construction project requires that the residential claimant shall serve written notice on the construction professional by registered or personal service no later than 45 days before filing an action (i.e. file a summons and compliant).

The notice of claim shall state that the claimant asserts a construction defect claim against the construction professional and shall describe the claim in reasonable detail. Construction professionals have 21 days to provide written response by registered or personal service.

**For more information, call 360-902-5226.**